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REVIEWS.

Old Virginia and Her Neighbors. By JOHN FISKE. Boston and New York, Houghton, Mifflin & Co., 1897.—2 vols., 318, 421 pp.

These volumes, in the series of works which Mr. Fiske is publishing on American history, occupy a place between his *Discovery of America* and his *Beginnings of New England*. The present is a less thorough piece of work than the former, but contains a more adequate treatment of the subject than does the latter. Beginning with the movement which led to the colonization of Virginia, the author traces the settlement of the southern colonies and their history until 1690. Two or three chapters in the second volume contain miscellaneous facts concerning this group of colonies in the eighteenth century. Mr. Fiske announces, however, that in a later work he will resume the thread of New England history, interweave with that the story of the French wars—in which finally all the colonies became involved—and thus establish the connection between his volumes on the seventeenth century and his *American Revolution*.

The materials which Mr. Fiske has used in the preparation of *Old Virginia* are well-known “relations,” records, state histories and monographs, accessible in print and utilized many times before by writers on the same period. He has not infrequently used secondary sources when the originals were not difficult to procure. But he has brought to his task wide knowledge of general history, and he frequently uses this by way of introduction, digression, and comparison to illuminate his subject. His researches into the customs of the aboriginal Americans enable him to throw light upon the relations between them and the early settlers of Virginia. By availing himself of monographs recently issued he has been able to give a fuller and more satisfactory account of the history of Maryland, both before and after 1660, than has hitherto appeared in any systematic work. By utilizing documents which have been printed in the *Virginia Magazine of History* he has supplemented to some extent Doyle’s review of Bacon’s Rebellion. He gives also a rapid sketch of Carolina history, which calls for no special comment.

Mr. Fiske is quick to perceive the romantic and to give prominence to that in his subject which appeals to general human interest.

Courageous and manly effort always finds in him a champion ; privilege, oppression of the common man, the hampering of local and individual effort by restrictions imposed in the interest of a remote power always awaken his criticism, if not his denunciation. The history of Virginia under the London Company, and of that company itself, furnishes more incidents of romantic and general human interest than does any other part of the subject to which Mr. Fiske devotes himself in these volumes. The career of Captain John Smith, the early struggles of the colony and the company to save their enterprise from destruction, the later work of the company and the gallant fight which it made against the oppressive interference of the king, receive sympathetic treatment at the hands of the author. But we must believe that Mr. Fiske's effort to rehabilitate Smith as a writer and editor of "relations," and thus as an authority upon early Virginia history, is not wholly successful. The fundamental difficulty with the historical writings which go under Smith's name, except the *True Relation*, is to be found in the bias which runs through the whole. Apparently they were written in part to promote a Smith cult and to belittle his opponents and rivals. The critic, therefore, must be on his guard, not only in reference to the Pocahontas incident, but in regard to many other statements and stories. No explanation of the Pocahontas incident, for example, however plausible it may seem, can remove the doubt which hangs over its credibility. The view of Mr. W. W. Henry — which Mr. Fiske has adopted — that it is one of the incidents which were omitted from the *True Relation* by its editor rests on a pure assumption. Inasmuch as the event is not recorded in that document, we can never feel sure that it occurred. Fortunately, it is for only a few months of Virginia history that we have to depend exclusively on Smith's writings ; therefore, by questioning to some extent their credibility we do not lose the history of the founding of that colony. Neither are the real excellencies of Smith's character and work seriously obscured by the recognition of the fact that he was a boaster and a strong partisan.

The few supplementary chapters which Mr. Fiske has written on the period subsequent to 1690 add little to our knowledge of the subject. They are fragmentary and inadequate. Moreover, the view which he has taken of the Revolution, and the fact that he treats the colonies largely as isolated communities, without regard to a system of imperial control which was gradually weaving its meshes about them and assigning them their place in a growing imperial system, are serious hindrances in the way of a successful treatment

of the history of the eighteenth century. Mr. Fiske, it must also be said, is not systematic. Apparently it is social, rather than political, development which chiefly interests him. His classification of the subject is based on divergences of social types, rather than of governmental forms; but in the treatment of his material he often strings together in a confusing manner facts, events and arguments derived from these two distinct realms. Often little effort seems to be made to arrange material in the order either of time or of cause and effect. The continuity of the narrative is frequently interrupted by long digressions. Good examples of such defects may be found in the chapter on the "Kingdom of Virginia" and in that on the "Coming of the Cavaliers." The effect is scrappy, and it does not conduce to the correct understanding of either social or political development, or of the relations between the two.

These volumes are also marred by errors of detail, to some of which attention must now be called. Thus, the author states that by the charter granted to Raleigh it was provided "that the people of those colonies should be governed by such statutes as they might choose to establish for themselves" (vol. i, p. 31). As a matter of fact, no political rights whatever were bestowed by that patent on the colonists, but only on the grantee, his heirs and assigns. This was substantially the case with all the charters, save those issued by Charles II to Connecticut and Rhode Island. Other passages (*e.g.* vol. i, p. 65) show that Mr. Fiske thinks that the words "liberties, franchises and immunities," which occurred in the charters, referred to public rights and thus guaranteed the existence of assemblies. That idea, indeed, underlies much of the reasoning which is expended upon questions of colonial law and policy. Such an idea, it can be confidently affirmed, is an error; it was only private rights which were guaranteed in the charters. The inferences, therefore, which Mr. Fiske has drawn from the assumption fall with it.

It is stated that by the charter granted to the London Company in 1609 the local council was abolished and a governor with autocratic power was set over the settlers (vol. i, p. 146). The charter did not mention the local council, but gave the council in England power to establish in the colony such forms of government as it saw fit. We know from Strachey and other authorities that Lord Delaware instituted a council in the colony. Hence we must believe it to have been held that the council was not abolished. If, as the author says (vol. i, p. 228), the Virginia assembly of 1619 was patterned after the old English county court, it would be interesting to know what com-

ponent of the county court would be taken to correspond to the governor and council in the assembly. Further, what proof has the author that even the elective part of that body was "patterned after" the English county court? On page 187 of the same volume he says that the general assembly of Virginia was "essentially similar" to the general court of Massachusetts. Whatever the phrase may mean, the two legislatures referred to differed in very important respects. In Virginia the governor and council were appointed by a power outside the colony; in Massachusetts they were elected by the free-men of the colony. In Virginia the acts of the legislature had to be approved by the company in London before they could go fully into force, while in Massachusetts approval by an outside power was not necessary. The position of the governor, also, was not the same in the two bodies. Why, again, should it be affirmed that the county court was the prototype of the general court of Massachusetts, when we know that the latter body was the general court of the Massachusetts Company reproduced in the colony? Instead of the London Company exercising "entire sovereignty" over Virginia, as is stated (vol. i, p. 145), it had only subordinate governmental rights over the colony, for the exercise of which it was responsible to the king. It was "virtually independent" of Parliament, simply because that body had not at that time undertaken the task of legislating for the colonies.

Mr. Fiske gives, on page 280 of the same volume, a rough classification of colonial governments. He believes that Massachusetts and Virginia under the company belonged to the same class, while Georgia was distinct in origin and form from Virginia. On closer examination he will find that this classification will not hold. In order to group New Hampshire with New Haven and the other colonies of southern New England he has to ignore a good deal of history — namely, the share which the New England Council and John Mason had in the founding of New Hampshire, and the fact that the rights which originated with them finally prevailed over the usurpation of Massachusetts. New Hampshire was never a corporate colony. Delaware was also legally a royal province during most, if not all, of its existence.

It is stated (p. 284) that the primary assembly was abandoned in Maryland in 1638. The records, however, show that the assemblies of March and September, 1642, were wholly primary bodies or attended by proxies; that the proxy system was retained till 1644; that the assembly of January, 1648, had no representative element in it; and that in the summons of April, 1650, it was left to the option of the free-

men to choose delegates or attend by proxy. When Mr. Fiske says (in vol. i, p. 285, and vol. ii, p. 145) that Maryland was exempt from imperial taxation, meaning thereby Parliamentary taxation, he fails to recognize the truth that it was not possible for the king by the issue of a charter to exempt any British subjects from taxation by Parliament. When he also says that, in case of a controversy between Lord Baltimore and his subjects, no appeal could be taken to any British court, he forgets that by the common law every subject had a right to appeal to the crown, and that the exercise of this right was not and could not have been prohibited by the Maryland charter. It is firmly believed that the statement of the author (vol. i, p. 288), to the effect that, on the forfeiture of the Virginia charter in 1624, the king promised that the colony should retain undiminished the territory which the company had possessed, is without foundation. What he did promise was that the property rights of the individual colonists should not be infringed. That being true, the grant of Maryland to Lord Baltimore was not an instance, as Mr. Fiske claims, of carelessness or stupidity on the part of the English government. In the same paragraph he cites grants made to Robert Gorges in Massachusetts and to Samuel Gorton in Rhode Island as equally flagrant examples of bestowing the same thing on different persons at the same time. I am aware of only one grant to Robert Gorges, and that was made by the New England Council, and did not overlap any prior grant. I should also like to be informed what tract of land the English government or any other authority ever granted to Samuel Gorton, in such way as to bring it under the description which the writer has applied to it. Mr. Fiske states (vol. ii, p. 115) that Lieutenant-Governor Nicholson was deposed in New York by Jacob Leisler and went to England. Nicholson was not deposed, but withdrew from the province of his own choice, within a week or less after Leisler had taken possession of the Fort.

HERBERT L. OSGOOD.

The Liberty and Free Soil Parties in the Northwest. Harvard Historical Series, No. VI. By THEODORE CLARKE SMITH, PH.D. New York, Longmans, Green & Co., 1897. — xi, 351 pp.

This work "separates out the political from the moral movement"; and, describing "that political activity which was most characteristic of the Western movement," traces "the growth of anti-slavery political parties in the several northwestern states, from their begin-